

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GREGORY GOULD,

Plaintiff,

v.

JEFFREY BEARD, et al.,

Defendants.

Civil Action No. 07-55 Erie

MEMORANDUM ORDER

AND NOW, this 7th day of July, 2008, and upon review, *nunc pro tunc*, of Plaintiff's untimely filed objections [Doc. No. 44] to Magistrate Judge Susan Paradise Baxter's Report and Recommendation [Doc. No. 42] filed May 27, 2008 recommending that: (1) the partial motion to dismiss or for partial summary judgment filed by Defendants Beard, Wilson, Manchas, Kremposky, Woods and Sobina [Doc. No. 15] be granted in part and dismissed as premature in part; (2) the motion for summary judgment for injunctive relief filed by Plaintiff [Doc. No. 22] be denied; (3) the motion to dismiss filed by Defendant Klemm [Doc. No., 27] be dismissed as premature; (4) Defendants Manchas, Kremposky and Woods be dismissed from this action; and (5) Plaintiff be permitted to file an amended complaint before June 20, 2008 to allege his retaliation and access to the courts claims which were raised in the Opposition Briefs, the following order is entered:

IT IS HEREBY ORDERED that: (1) the partial motion to dismiss or for partial summary judgment filed by Defendants Beard, Wilson, Manchas, Kremposky, Woods and Sobina [Doc. No. 15] is GRANTED in part and DISMISSED as premature in part; (2) the motion for summary judgment for injunctive relief filed by Plaintiff [Doc. No. 22] is DENIED; (3) the motion to dismiss filed by Defendant Klemm [Doc. No., 27] is DISMISSED as premature; (4) Defendants Manchas, Kremposky and Woods are dismissed from this action; and (5) Plaintiff shall file an amended complaint before June 20, 2008 to allege his retaliation and access to the courts claims which were raised in the Opposition Briefs.

The Report and Recommendation [Doc. No. 42] of Magistrate Judge Baxter, filed on May 27, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge